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EXAMINER				
SINGH, AMRESH				
ART UNIT		PAPER NUMBER		
2159				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/597,464

Applicant(s)

EMURA ET AL.

Examiner

AMRESH SINGH

Art Unit

2159

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to application filed on 05/07/2008

Claims 1-8, 10-15 and 16 are presented for examination.

Claims 1-8 and 10-16 were amended.

This is a **Final Action**.

Claim Rejections - 35 USC § 112

Claim 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the examiner could not find support for the limitation of "...arranging the computer graphics on a three-dimensional space in ***chronological order***" in the specification. In short, what is taught by the specification is a way to create a scene where, characters, actions and set takes place, but time frame is not taught

Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Independent claim 1 and 16 include the limitation **arranging the computer**

graphics on a three-dimensional space in chronological order. Arranging the computer graphics in chronological order is not taught or suggested in the specification. What is taught is a way to create a scene where, characters, actions and set takes place, but time frame is not taught.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10, and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (US 6, 654,031) in view of Devoino et al. (US 2002/0016707)

With respect to Claim 1, Ito teaches, An image creating apparatus for creating computer graphics of an animation, comprising:

an inputter that inputs various information; (Figure 2: Element 109 – keyboard to input information, Ito)

a displayer that displays various information; (Figure 2: Element 108 - monitor, Ito)

a material data storage that stores, as material data, character data (Figure 1: Element 412 - add character, action data (Figure 8: Element 852 - add action, and set data (Figure 6: Element 400-1 - studio setup, Ito), for creating computer graphics and arranging the computer graphics on a three-dimensional space in chronological order. (Figure 23: Element 2403 - previewing 3d animated program in chronological order, Ito)

Ito does not explicitly teach, a searcher that, when a feature of the material data is input from the inputter, searches for material data corresponding to the input feature using a text string/material correspondence table in which the material data is associated with a set of material names for the material data; and a hierarchical structural description that describes a feature of the material data in a hierarchical structure; a registrationner that stores the searched material data in the material data storage and registers the searched material data and a material name of the searched material data with the text string/material correspondence table; and a text string/CG conversion processor that, when a text for designating a material name is input by the inputter, refers to the text string/material correspondence table, searches for a material name with which the input text partially matches, acquires material data corresponding to the searched material name, and creates the computer graphics of the animation using the acquired material data.

However, Deviono teaches, a searcher that, when a feature of the material data is input from the inputter, searches for material data corresponding to the input feature

using a text string/material correspondence table in which the material data is associated with a set of material names for the material data; (Figure 1: Element 100 – represents the functional model in a graphical representation, Deviono) and a hierarchical structural description that describes a feature of the material data in a hierarchical structure; (Figure 1: Element 80 – an item processor unit that calculates all the possible relationship and features once a input is received, Figure 1: Element 70 – semantic items unit store all the hierarchical relationships about features and operations of a model, Deviono) a registrationner that stores the searched material data in the material data storage and registers the searched material data and a material name of the searched material data with the text string/material correspondence table; (Figure 1: Element 190 – a model data store all the functional model received from the item processor unit, Deviono) and a text string/CG conversion processor that, when a text for designating a material name is input by the inputter, refers to the text string/material correspondence table, searches for a material name with which the input text partially matches, acquires material data corresponding to the searched material name, and creates the computer graphics of the animation using the acquired material data (Figure 3 and Figure 4 – when a text is input in the text input screen a functional model is drawn, Deviono) It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to combine Ito with Deviono allowing for the a command prompt designation for inputting information pertaining to a scene, character, or action allowing for a graphical as well as textual analysis of a scene viewed by a user incase a correction needs to be made.

With respect to Claim 2, Ito and Deviono teaches, The image creating apparatus according to claim 1, wherein, when the feature of the material data is input, the searcher refers to the hierarchical structural description, searches for a feature of a lower hierarchy than the input feature, and searches for material data corresponding to the searched feature of the lower hierarchy. (Page 2: Paragraph [0033]: Lines 1-6 – once the input is complete the items unit 70 stores all the items shown and the item process unit 80 searches the items and builds all the possible relationships between present items, searching upper and lower hierarchy, Deviono)

With respect to Claim 3, Ito and Deviono teach, The image creating apparatus according to claim 1, wherein, when the feature of the material data is input, the searcher refers to the hierarchical structural description, searches for a feature of a higher hierarchy than the input feature, and searches for material data corresponding to the searched feature of the higher hierarchy. (Page 2: Paragraph [0033]: Lines 1-6 – once the input is complete the items unit 70 stores all the items shown and the item process unit 80 searches the items and builds all the possible relationships between present items, searching upper and lower hierarchy, Deviono)

With respect to Claim 4, Ito and Deviono teach, The image creating apparatus according to claim 1, further comprising a display controller that displays a list of the searched feature in the display section, wherein, when a feature is selected from the

list, the search section searches for material data for the selected feature. (Page 2: Paragraph [0037] - use can change the image by drawing updating models already present, these changes are then send to model data unit to search the feature and display the feature making sure the selected model is correct, Deviono)

With respect to Claim 6, Ito and Deviono teach, The image creating apparatus according to claim 4, wherein, when a feature of the material data is selected from the list, the display controller displays a predetermined number of features on the displayer. (Figure 8: shows predetermined numbers of features associated with a component element, Deviono)

With respect to Claim 7, Ito and Deviono teach, The image creating apparatus according to claim 1, wherein the feature of the material data is defined by an attribute and a value of the attribute. (Page 4: Paragraph [0037] – “Specific components and parameters are drawn on the screen” - features such as controlling water pressures are drawn on the screen in Figure 4 these features can be a parameter of the whole item, Deviono)

With respect to Claim 8, Ito and Deviono teach, The image creating apparatus according to claim 1, wherein:

the hierarchical structural description describes the feature related to the material data stored on a network;

the searcher searches for the material data stored on the network; and
the registration registers the searched material data stored on the network.

(Figure 1: Each element shown in the figure can be on a network, Deviono)

With respect to Claim 10, Ito and Deviono teach, The image creating apparatus according to claim 1, wherein:

the material name is further associated with an expression adjective which indicates an expression;

the text string/CG conversion processor, when a text for a designating the expression adjective is input, searches for an expression adjective with which the input text partially matches; and

the display control section displays the expression adjective. (Page 3: Paragraph [0044]: Lines 1-5 - "expression 'part of', 'include', 'consists of'" are described in a hierarchy relationship and displayed", Deviono)

With respect to Claim 12, Ito and Deviono teach, The image creating apparatus according to claim 1, wherein:

the material data comprises at least one of action data (Claim 1 – S“A”O structure - action data, Deviono , Figure 8: Element 852 - add action, Ito) , character data (Figure 1: Element 412 - add character, Ito) , and set data (Figure 6: Element 400-1 – studio setup, Ito, - the object in Deviono are characters that are used in Ito, character objects to play a role in the fundamental design of the software);

the material name includes an action name, a character name, and a set name corresponding to the action data, the character data, and the set data, respectively; (Page 2: Paragraph [0033]: Lines 1-6 – once the input is complete the items unit 70 stores all the items shown and the item process unit 80 searches the items and builds all the possible relationships between present items, searching upper and lower hierarchy, Deviono) and

the text string/material correspondence table comprises a text string/action correspondence table, a text string/character correspondence table and a text string/set correspondence table corresponding to the action data, the character data, and the set data, respectively. (Page 2: Paragraph [0033]: Lines 1-6 – once the input is complete the items unit 70 stores all the items shown and the item process unit 80 searches the items and builds all the possible relationships between present items, searching upper and lower hierarchy, Deviono)

With respect to Claim 13, Ito and Deviono teach, The image creating apparatus according to claim 12, wherein:

the action name is associated with the character data; (Claim 1 – S"A"O structure – Subject –action-object relationship, Deviono, the object in Deviono are characters that are used in Ito, character objects to play a role in the fundamental design of the software) and

the text string/CG conversion processor, when the character data is selected as the material data, searches for an action name corresponding to the selected character

data. (Page 2: Paragraph [0033]: Lines 1-6 – once the input is complete the items unit 70 stores all the items shown and the item process unit 80 searches the items and builds all the possible relationships between present items, searching upper and lower hierarchy, Deviono)

With respect to Claim 14, Ito and Deviono teaches, The image creating apparatus according to claim 12, wherein:

the action data comprises an object; (Claim 1 – S*A*O structure – Subject – action-object relationship, Deviono) and

the text string/CG conversion processor, when a set name to indicate a possible object which the action data can comprises is input, acquires set data corresponding to the input set name and creates the computer graphics using the acquired set data.

(Page 2: Paragraph [0033]: Lines 1-6 – once the input is complete the items unit 70 stores all the items shown and the item process unit 80 searches the items and builds all the possible relationships between present items, searching upper and lower hierarchy, Deviono)

With respect to Claim 15, Ito and Deviono teach, The image creating apparatus according to claim 14, wherein the text string/CG conversion processor, when a text to designate a set name to indicate a possible object which the action name can comprise is input, refers to the text string/set correspondence table and searches for a set name

with which the input text partially matches. (Claim 14 – looks for variation of SAO structure and elements in case a match is erroneous such as a partial match, Deviono)

With respect to Claim 16, Ito teaches, An image creating method performed by an image creating apparatus for creating computer graphics for an animation, the method, comprising:

Storing, as material data, character data (Figure 1: Element 412 - add character, action data (Figure 8: Element 852 - add action, and set data (Figure 6: Element 400-1 – studio setup, Ito), for creating a computer graphics by a storage of the image creating apparatus, for creating computer graphics and arranging the computer graphics on a three-dimensional space in chronological order. (Figure 23: Element 2403 - previewing 3d animated program in chronological order, Ito)

Ito explicitly does not teach, searching, when a feature of the material data is input, for material data corresponding to the input feature using a text string/material correspondence table in which material data is associated with a set of material names for the material and a hierarchical structural description that describes a feature of the material data in a hierarchical structure by a searcher of the image creating apparatus;

storing the searched material data in the storage, and registering the searched material data and a material name of the searched material data with the text string/material correspondence table, by a registration of the image creating apparatus; and

referring to the text string/material correspondence table when a text to designate a material name is input, searching for a material name with which the input text partially matches, acquiring material data corresponding to the searched material name, and creating the computer graphics of the animation using the acquired material data by arranging the computer graphics on a three-dimensional space in chronological order, by a processor of the image creating apparatus.

However, Deviono teaches, searching, when a feature of the material data is input, for material data corresponding to the input feature using a text string/material correspondence table in which material data is associated with a set of material names for the material data (Figure 1: Element 100 – represents the functional model in a graphical representation from input from a user, Deviono) and a hierarchical structural description (Figure 1: Element 80 – an item processor unit that calculates all the possible relationship and features once a input is recieved, Deviono) that describes a feature of the material data in a hierarchical structure by a searcher of the image creating apparatus; (Figure 1: Element 70 – semantic items unit store all the hierarchical relationships about features and operations of a model, Deviono);

storing the searched material data in the storage, and registering the searched material data and a material name of the searched material data with the text string/material correspondence table, by a registrationner of the image creating apparatus; (Figure 1: Input from user is broken in SAO and stored in the database, Figure 1: SAO structure represents a table that links the subject to the action to the object in a hierarchical manner, Deviono) and

referring to the text string/material correspondence table when a text to designate a material name is input, searching for a material name with which the input text partially matches, acquiring material data corresponding to the searched material name, and creating the computer graphics of the animation using the acquired material data by arranging the computer graphics on a three-dimensional space in chronological order, by a processor of the image creating apparatus. (Claim 14 – looks for variation of SAO structure and elements incase a mage is erroneous such a partial match, Figure 3 and Figure 4 – when a text is input in the text input screen a functional model is drawn, Deviono) It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to combine Ito with Deviono allowing for the a command prompt designation for inputting information pertaining to a scene, character, or action allowing for a graphical as well as textual analysis of a scene viewed by a user incase a correction needs to be made.

Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (US 6, 654,031) and Devoino et al. (US 2002/0016707)) in view of OFFICIAL NOTICE.

All the limitations of Claim 4 are taught above.

With respect to Claim 5, Ito and Devoino do not teach, wherein the display control section displays a list of thumbnails of the material data for the feature selected from the list. However, it is well known in the art to use thumbnail to represent items and another listed data for better representation. OFFICIAL NOTICE IS TAKEN. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to allow for usage of thumbnails of objects when selecting a object instead of just using a object name, allowing for a faster representation of said object.

All the limitations of Claim 1 are taught above.

With respect to Claim 11, Ito and Devoino do not teach, the expression containing an adverb with the expression. However, the relationship of the expression to a object and parameter has been shown in Devoino, allowing for a relationship of expression with an adverb to be shown. OFFICIAL NOTICE IS TAKEN. It would have been obvious at the time the invention was made to a person having ordinary skill in the

art to which said subject matter pertains to allow for "adverb" to be used in the expression such as when temperature is described in Figure 4, How high the temperature should be can easily be associated in the SAO structure.

Response to Arguments

Applicant's amendment with regards to 101 rejection has been considered and has successfully over come the 101 rejection for claims 1-16.

Applicant's arguments with respect to claims 1- 8 and 10-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMRESH SINGH whose telephone number is (571)270-3560. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES K. TRUJILLO can be reached on 571-272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. S./
Amresh Singh
07/17/2009, Examiner, Art Unit 2159

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